

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

VS.

MAURICIO CHAVEZ, GIORGIO
BENVENUTO and CryptoFX, LLC,

Defendants.

CBT Group, LLC,

Relief Defendant.

CIVIL ACTION NO. 4:22-CV-03359

JUDGE ANDREW S. HANEN

**RECEIVER’S MOTION TO EMPLOY HAYS FINANCIAL CONSULTING, LLC
AS FINANCIAL CONSULTANTS & ACCOUNTANTS**

John Lewis, Jr., as the Court-appointed Receiver in the above-referenced action, respectfully moves the Court for an order approving the retention of Hays Financial Consulting, LLC to serve as the Receiver's financial consultants and accountants in this matter. In support of this Motion, the Receiver states the following:

1. On September 19, 2022, the Securities and Exchange Commission (“SEC”) filed a Complaint against Defendants Giorgio Benvenuto, Mauricio Chavez, CryptoFX, LLC, and CBT Group, LLC (together “Receivership Defendants”). (“Complaint,” Doc. No. 3). The Complaint alleges that Defendants perpetrated a multi-million dollar securities fraud directed at Latino investors. *Id.*

2. On September 29, 2022, upon motion of the SEC, the Court entered an Order Appointing John Lewis, Jr. as Receiver in this matter (“Receivership Order”). (Doc. No. 11). The

Receivership Order authorizes the Receiver without further order of this Court to, among other things, engage and employ professionals. *See* Receivership Order at ¶ 7(f). However, in the interest of transparency, and out of abundance of caution, the Receiver seeks this Court’s approval, with notice to all parties of record, including the SEC, for leave to employ Hays Financial Consulting, LLC as a Retained Personnel, as defined in the Receivership Order. *See* Receivership Order at ¶ 56.

3. The Receiver seeks permission to employ Hays Financial Consulting, LLC (“HFC”) to assist him in effectively carrying out his duties under the Receivership Order.

4. HFC is a corporate financial consulting, fiduciary, and forensic accounting firm that specializes in bankruptcy and receivership management. HFC Managing Member, S. Gregory Hays (“Hays”), has been active in major nationwide bankruptcy, receivership, and litigation cases for over thirty years. HFC includes a team of professionals in finance, accounting, tax, operations, data analysis, and asset recovery to provide a wide array of professional services in insolvency cases.

5. HFC has investigated billions of dollars in fraudulent transactions in thousands of bankruptcy cases and receiver cases. Since founded in 2001, HFC has recovered and distributed over hundreds of millions to creditors and investors. Hays and HFC have managed over 50 state and federal court receivership appointments, and Hays has been appointed as a bankruptcy trustee, special master, forensic accountant, and expert witness around the country. Importantly, HFC has been retained by and has worked directly with the Receiver appointed this case on several matters.

6. The Receiver proposes, with approval of this Court, to compensate HFC on an hourly basis. The firm will charge hourly rates of \$362 for Hays and \$170 to \$276 for other

professionals at HFC, which represents a 15% discount from HFC's standard hourly rates of \$200 to \$425.

7. The Receiver and other Retained Personnel will seek compensation and expense reimbursement upon approval of the Court and as further described in the Receivership Order. However, under the Receivership Order, the "Receiver's fees—including all fees and costs for the Receiver and others retained to assist in the administration and liquidation of the Receivership estate—are capped at \$120,000 during the initial 60-day period." Receivership Order at ¶ 52.

8. HFC does not represent any other party to this case and, based on the information currently available, does not represent any other person or entity with an interest in this matter. A Declaration Pursuant to Order Appointing Receiver signed by S. Gregory Hays, Managing Principal of HFC, is attached as Exhibit "A."

ACCORDINGLY, the Receiver, John Lewis. Jr., requests that the Court enter an order permitting him to retain Hays Financial Consulting, LLC as set forth herein.

Dated: October 7, 2022

Respectfully submitted,

SHOOK, HARDY & BACON L.L.P.

By: /s/ John Lewis, Jr.

John Lewis, Jr.

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Court-Appointed Receiver

CERTIFICATE OF SERVICE

I hereby certify that on this the 7th day of October, 2022, the above and foregoing document was filed electronically through the CM/ECF system, which sent notification of such filing to all known counsel of record, addressed as follows:

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/s/ John Lewis, Jr.
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